

## **EXHIBIT A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

11578243 CANADA, INC., D/B/A  
BLACKOXYGEN ORGANICS,  
BLACKOXYGEN ORGANICS USA, INC.,  
MARC SAINT-ONGE AND CARLO  
GARIBALDI,

**Plaintiffs,**

V.

DAVID BYKOWSKI

## Defendant

**CIVIL ACTION NO. 5:21-CV-00880-XR**

## **AGREED PERMANENT INJUNCTION AND FINAL JUDGMENT**

On this day, came to be heard in the above-entitled civil action, wherein 11578243 Canada, Inc. d/b/a BlackOxygen Organics, BlackOxygen Organics USA, Inc., Marc Saint-Onge and Carlo Garibaldi are Plaintiffs and David Bykowski is the Defendant, the parties' Motion for Entry of Agreed Permanent Injunction and Final Judgment (the "Motion"). Having considered the Motion, the Court finds that the Motion is meritorious and should be granted.

IT IS THEREFORE ORDERED that the parties' Motion is hereby GRANTED, and this Agreed Permanent Injunction and Final Judgment shall be and hereby is entered.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that,

1. Within thirty (30) days from the date of this Agreed Permanent Injunction and Final Judgment, Defendant David Bykowski is ORDERED to do the following:

- a. Remove all known social media posts and videos published by Defendant on all internet and social media platforms, including but not limited to Facebook, TikTok, LinkedIn, Instagram and YouTube, that disparage or otherwise portray any of the Plaintiffs in a negative light. If, following entry of this Agreed Permanent Injunction and Final Judgment, any Plaintiff provides written notice to Defendant

of a social media post or video published by Defendant that disparages or otherwise portrays any of the Plaintiffs or BlackOxygen Organics products in a negative light that has not previously been removed by Defendant, then Defendant shall remove such post or video within ten (10) days following receipt of Plaintiffs' notice.

- b. Remove all known social media posts and videos published by Defendant on all internet and social media platforms, including but not limited to Facebook, TikTok, LinkedIn, Instagram and YouTube, that disparage or otherwise portray any BlackOxygen Organics Brand Partners in a negative light. If, following entry of this Agreed Permanent Injunction and Final Judgment, any Plaintiff provides written notice to Defendant of a social media post or video published by Defendant that disparages or otherwise portrays any BlackOxygen Organics Brand Partner in a negative light that has not previously been removed by Defendant, then Defendant shall remove such post or video within ten (10) days following receipt of Plaintiffs' notice.
- c. Permanently cease all use of any internet domain or website that contains the name "BlackOxygen."
- d. Cease selling any product that contains the name "BlackOxygen."
- e. Cease all communication with any of the Plaintiffs.
- f. Cease all communication with any BlackOxygen Organics Brand Partners who have requested that Defendant stop communicating with them.

2. Defendant David Bykowski is permanently enjoined from taking any action expressly prohibited in this Agreed Permanent Injunction and Final Judgment.

3. This Court shall retain jurisdiction of the parties for enforcement of the terms of this Agreed Permanent Injunction and Final Judgment.

4. The above-styled lawsuit, including all claims asserted therein, is hereby DISMISSED WITH PREJUDICE.

SIGNED: November \_\_\_\_\_, 2021.

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XAVIER RODRIGUEZ  
UNITED STATES DISTRICT JUDGE

**AGREED AS TO FORM AND CONTENT AND ENTRY REQUESTED:**

By: /s/ C. Brenton Kugler

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 11-12-21

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ORGANICS, BLACKOXYGEN ORGANICS  
USA, INC., MARC SAINT-ONGE AND  
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